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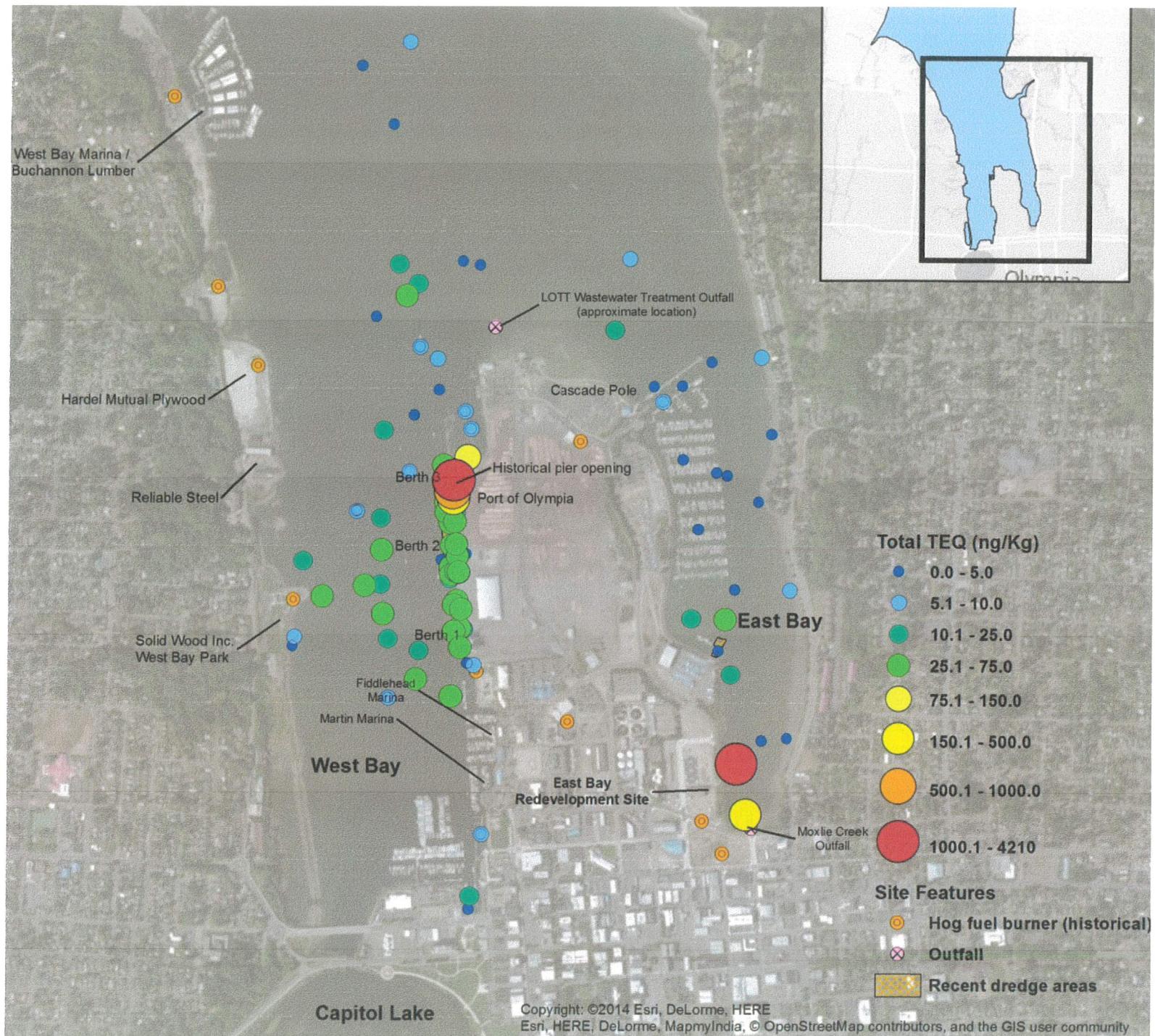
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## **Exhibit 1**

### **Map of Dioxin in contamination in Budd Inlet**



**Figure 4. Subsurface Dioxin/Furan Contamination Represented by the Highest Concentration from Each Core**

0 500 1,000 2,000 Feet

 **NewFields**

## **Exhibit 2**

**Map of 303(d) listed areas in Budd Inlet.**

Home Add/Remove Map Data

Tools

Zoom

Filter

Legend

Assessed Water/Sediment

Water

- Category 5 - 303d
- Category 4C
- Category 4B

Category 4A

Category 2

Category 1

Sediment

Category 5 - 303d

- Category 4C
- Category 4B

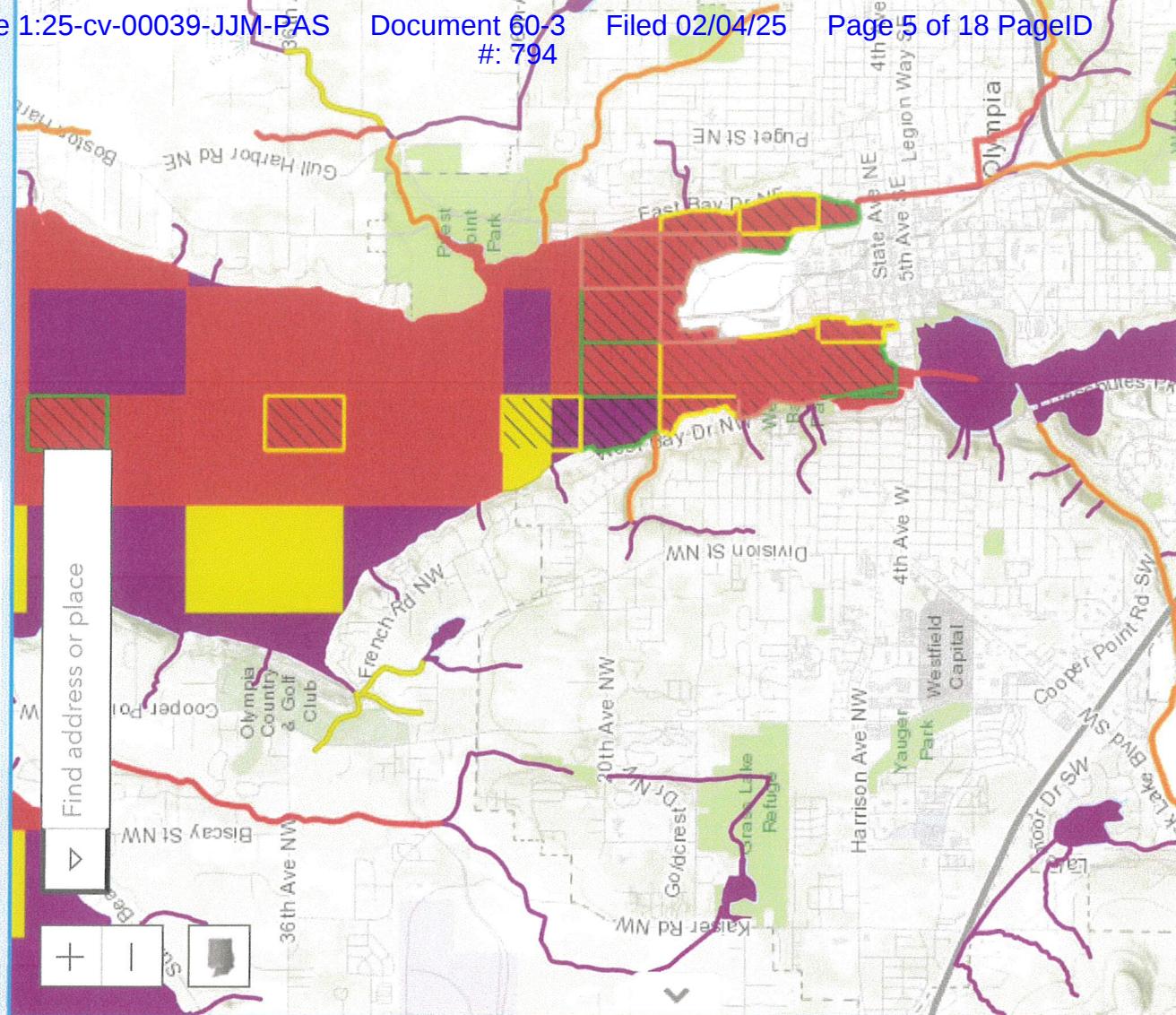
Category 4A

Category 2

Category 1

Water Quality Standards

Find address or place



## **Exhibit 3**

### **Deschutes Estuary Feasibility Study, (Excerpt)**



## Deschutes Estuary Feasibility Study, Phase 3

*Engineering Design and Cost Estimates*

### FINAL REPORT



*Prepared for:*

**Washington Department of  
Fish and Wildlife**

*Prepared By:*



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Seattle, WA 98104

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*In Association With:*

**EDAW, Inc • GeoEngineers**

February 9, 2007

#### **4.2 Permits and Approvals Required**

The permitting of the Deschutes Estuary restoration project is multifaceted. A variety of permit applications will need to be prepared, submitted and approved. The following list outlines the most likely regulatory and permitting requirements.

- NEPA: Federal funds may be needed for a project of this magnitude, which would trigger specific NEPA requirements.
- SEPA Environmental Impact Statement: Required. Washington State Department of General Administration will probably be lead agency for this.
- Washington Department of Natural Resources (DNR) Lands Lease: A tidelands lease, easement, or right of entry may be required. Additionally, depending on how the dredge materials are handled, a royalty may be owed to the State.
- U.S. Army Corps of Engineers (Corps) Section 10/404 Permits: These are initiated through the Joint Aquatic Resource Permit Application (JARPA). A Section 10 permit is required for work in or under navigable waters of the United States; a Section 404 Permit is required for in-water discharge of dredged or fill material. Copies of the completed JARPA will then be submitted to the Corps for Section 10/404 Permits, to WDFW for a Hydraulic Project Approval (HPA), and to the Cities of Olympia and Tumwater for a Shoreline Substantial Development Permit.
- BE/BA, including the Essential Fish Habitat: The BE/BA is required due to federal nexus with Corps permitting. A BE/BA report with a Not Likely to Adversely Affect (NLAA) or Likely to Adversely Affect (LA) effects determination will be needed.
- Washington Department of Ecology (Ecology) Section 401 Water Quality Certification: Required with federal permitting, triggered by the Corps.
- Ecology National Pollution Discharge Elimination System Stormwater Permit for Construction: Will be required.
- WDFW HPA: Initiated through the JARPA process. Required as activity is waterward of the Ordinary High Water Mark (OHWM).
- City of Olympia and City of Tumwater Shoreline Substantial Development Permits: Required as project involves substantial work within 200 feet of the marine shoreline. Since most of the South Basin and parts of the Middle Basin are within the City of Tumwater, a combined or parallel process would be required for the Cities of Olympia and Tumwater.
- City of Olympia and City of Tumwater Critical Areas Ordinance: Compliance and mitigation required to the extent project would affect designated wetlands, fish and wildlife habitat areas.
- Other City of Olympia and City of Tumwater Permits and Approvals: These may include: Demonstrating compliance with Zoning and Comprehensive Plan and with Flood Hazard Ordinance; Grading Permit; and Site Development Permit among others.

#### **4.3 Dredging and Fill**

The channel dredging program outlined in Section 3.5 will likely call for sediment sampling and analysis beyond that already carried out. The sampling results reported by Herrera (2000a&b) were reviewed relative to Washington State Sediment Management Standards (SMS) for marine sediments to evaluate general sediment quality with respect to reuse of in-water materials as near-shore fill. Marine SMS criteria were used for this evaluation because the SMS have not established criteria for freshwater sediment at this time. The data generally indicate the following:

- Benzoic acid, benzyl alcohol and phenol are present in sediment samples at three stations at concentrations that could potentially affect aquatic organisms. Additional chemical analysis and/or bioassays would likely be required prior to approval of material dredged from these stations for use as in-water fill; however, the material may be suitable for use as upland fill.
- General sediment quality at the remaining stations appears to be potentially suitable for both in-water and upland fill. However, additional chemical analysis would be needed to verify suitability. The analyses reported by Herrera (2000a&b) were not sufficiently sensitive to detect all of the relevant organic compounds at concentrations that would prohibit their reuse as near-shore fill, according to the marine SMS evaluation criteria.

In other words, it currently appears that the sediment quality in the lake is adequate to allow for the project as described in this report. Further sediment sampling will be necessary to confirm this. In particular, the recent discovery of dioxins at the Port of Olympia's dredged navigation channel highlights the risks associated with dredging in urbanized areas.

## **Exhibit 4**

### **Army Corps of Engineers-Senator Frazer Emails**

-----Original Message-----

From: Winkler, Jessica NWS [mailto:[Jessica.G.Winkler@usace.army.mil](mailto:Jessica.G.Winkler@usace.army.mil)]  
Sent: Thursday, May 28, 2015 4:30 PM  
To: Fraser, Sen. Karen  
Subject: Deschutes (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Senator Fraser,

Thank you for the conversation this morning regarding the Puget Sound Nearshore Ecosystem Restoration Project (PSNERP) and the Deschutes Estuary.

As discussed, the Corps in coordination with WDFW has not identified the Deschutes project to move forward for further consideration under the PSNERP study based on our analysis of the benefit to cost ratio, as well as other factors such as community support and risk to feasibility. A important risk to feasibility that we identified for the Deschutes in the context of the PSNERP study was the potential to increase sedimentation in the Federally authorized and maintained navigation channel. Although the Corps and WDFW are not evaluating the Deschutes further under the PSNERP study authority, the Corps has not developed a formal position on the dam removal at Deschutes outside of PSNERP. If a non-Federal entity proposed to remove the dam at Deschutes, they would be required to coordinate that proposal with the Corps under our Section 408 permitting process (33 U.S.C. 408).

The Seattle District website for the PSNERP project contains links for the entire draft feasibility report/environmental impact statement. Appendix G specifically addresses the ecosystem benefit model. As requested, the last page of Appendix G includes the list of the numeric benefits of each of the sites we evaluated and is attached.

<http://www.nws.usace.army.mil/Missions/CivilWorks/ProgramsandProjects/Projects/PugetSoundNearshoreEcosystemRestoration.aspx>

In 2012, the Puget Sound Nearshore Ecosystem Restoration Project contracted an A/E firm to complete the conceptual designs for 36 sites. The reports and other key PSNERP documents are located at the below listed link. The conceptual design report on the Deschutes Estuary is also attached.

<http://www.pugetsoundnearshore.org/cdr.html>

Please let me know if you have any further questions or concerns. I also wanted to thank you for your quick and informative response on the status of PSNERP in the budget! Jessie

Jessie Winkler  
Chief, Civil Works Branch  
U.S. Army Corps of Engineers, Seattle District  
4735 East Marginal Way South  
Seattle, WA 98134  
206-764-3462

Classification: UNCLASSIFIED

Caveats: NONE

Senator Fraser states her findings upon speaking to the Corps- "the environmental benefits of Deschutes dam removal are strikingly low!"

----- Forwarded message -----

From: Fraser, Sen. Karen <[Karen.Fraser@leg.wa.gov](mailto:Karen.Fraser@leg.wa.gov)>  
Date: Tue, Jul 7, 2015 at 9:20 PM  
Subject: Re: Capitol Lake  
To: Allen Miller <[allen@atmlawoffice.com](mailto:allen@atmlawoffice.com)>  
Cc: Denny Heck <[denny@theheckhome.com](mailto:denny@theheckhome.com)>, Robert Wubbena <[rwbubbena@gmail.com](mailto:rwbubbena@gmail.com)>, Denis Curry <[denisc733@aol.com](mailto:denisc733@aol.com)>, Jack Havens <[bikeandfish@comcast.net](mailto:bikeandfish@comcast.net)>, "Owen, Brad" <[Brad.Owen@leg.wa.gov](mailto:Brad.Owen@leg.wa.gov)>, Chris Liu <[chris.liu@des.wa.gov](mailto:chris.liu@des.wa.gov)>, "Arlen Harris (DES)" <[arlen.harris@des.wa.gov](mailto:arlen.harris@des.wa.gov)>

Hello all---

I spoke with the Corps. The essence of what they say is the following.

They have highly deprioritized habitat work by them on the lower Deschutes mainly because the environmental benefits of this project (dam removal) are very low compared to environmental benefits of other proposed projects in Puget Sound. They have quantified this and I have their list. The environmental benefits of Deschutes dam removal are strikingly low !

They take other factors into secondary consideration in the rankings, such as "risks". In this case, a major risk is the silting up of the shipping channel.

They have now given high priority to about 11 projects in Puget Sound.

Judging by the very low numerical ranking of Deschutes dam removal, it seems unlikely to be a viable project for a very long time, if ever.

Hope this is helpful.

---Karen

Sent from my iPad

Questions regarding this report may be directed to Jack Havens, [bikeandfish@comcast.net](mailto:bikeandfish@comcast.net) or 360-866-0810.

Mitchell responds to Havens and Carlson

**From:** Mitchell, Theresa C (DFW) [mailto:[Theresa.Mitchell@dfw.wa.gov](mailto:Theresa.Mitchell@dfw.wa.gov)]  
**Sent:** Friday, April 24, 2015 2:51 PM  
**To:** Carlson, Maren L (DFW); [bikeandfish@comcast.net](mailto:bikeandfish@comcast.net)  
**Cc:** Davis, Jeffrey P (DFW)  
**Subject:** RE: De-coupling

All –

Maren you are correct. Essentially, the Corps could not support one program of the Corps (Ecosystem Restoration) increasing costs to another program of the Corps (Navigation) and they were unwilling to consider it further. Removal of the 5th Avenue dam would very likely increase sediment aggradation in the Federal Navigation Channel adjacent to the site (Port of Olympia navigation channel), resulting in unacceptable negative impacts to the current Corps operations and maintenance of that channel.

Best,

*Theresa Mitchell*

Puget Sound Nearshore Ecosystem Restoration Project  
Washington Dept. of Fish & Wildlife  
Habitat Program | Restoration Division  
360.902.2750 - office  
[www.pugetsoundnearshore.org](http://www.pugetsoundnearshore.org)

Senator Karen Fraser references her meeting with WDFW

-----Original Message-----

**From:** Fraser, Sen. Karen [mailto:[Karen.Fraser@leg.wa.gov](mailto:Karen.Fraser@leg.wa.gov)]  
**Sent:** Monday, June 08, 2015 6:28 PM  
**To:** [allen@atmlawoffice.com](mailto:allen@atmlawoffice.com); Jay Manning; 'Robert Wubbena'  
**Cc:** Hunt, Rep. Sam; Reykdal, Rep. Chris  
**Subject:** FW: Deschutes (UNCLASSIFIED)

I met with Dept of Fish and Wildlife today. They are in alignment with the Corps of Engineers priorities as stated below.

Senator Fraser references email letter from Jessica Winkler US Army Corps of Engineers

## **Exhibit 5**

### **Floyd Snider Consultant Form, (Excerpt)**



STATE OF WASHINGTON  
DEPARTMENT OF ENTERPRISE SERVICES

1500 Jefferson St. SE, Olympia, WA 98501  
PO Box 41476, Olympia, WA 98504-1476

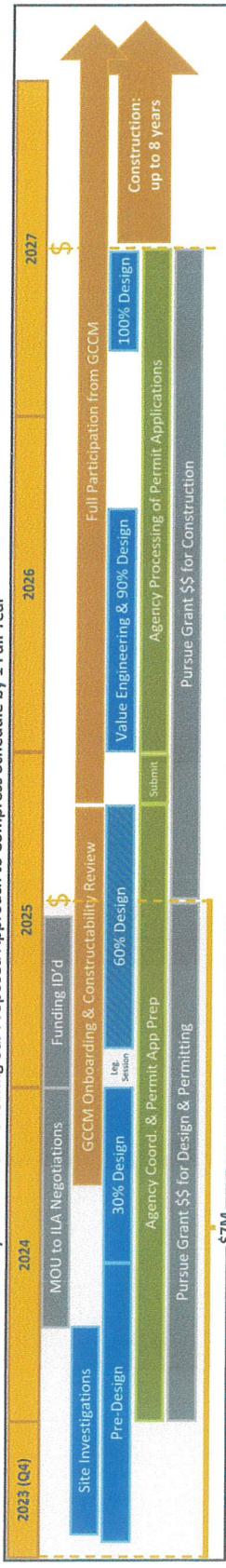
Consultant Selection Contact Form

**Designated Point of Contact for Statement of Qualifications**  
For Design Bid Build, Design Build, Progressive Design Build, GC/CM & Job Order Contracting  
(JOC) Selections

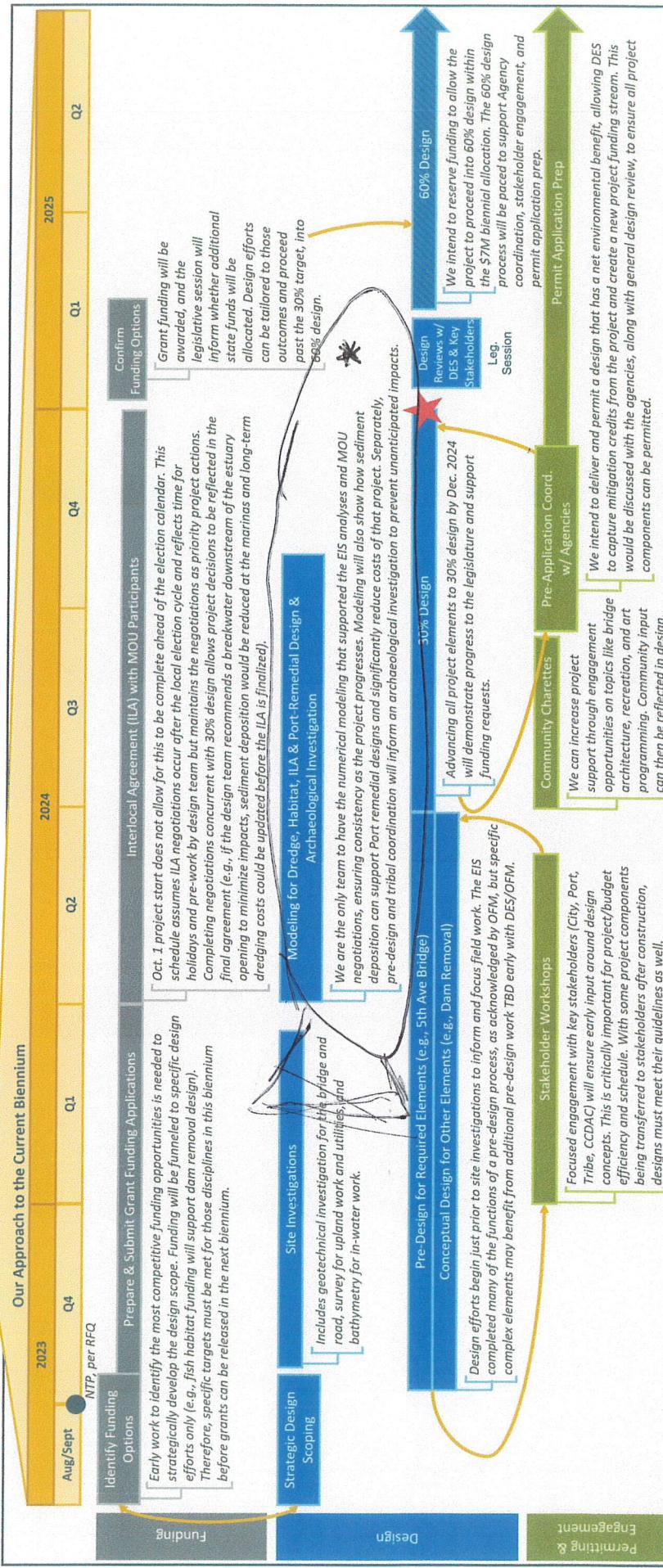
Firm Name: <a href="#">Floyd Snider</a>		
Point of Contact Name & Title: <a href="#">Tessa Gardner-Brown, Project Manager</a>		
Email: <a href="mailto:tessa.gardner-brown@floydsnider.com">tessa.gardner-brown@floydsnider.com</a>	Telephone: <a href="#">206.292.2078</a>	
Address: <a href="#">601 Union St, Suite 600</a>		
City: <a href="#">Seattle</a>	State: <a href="#">Washington</a>	Zip: <a href="#">98101</a>

## PROJECT SCHEDULE

## Potential Schedule for Deschutes Estuary Restoration - Showing our Proposed Approach to Compress Schedule by 1 Full Year



## Our Approach to the Current Biennium



## **Exhibit 6**

**Washington State Fishing License, (Plaintiff's)**

